

**COMMONWEALTH OF KENTUCKY
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
101 SEA HERO ROAD, SUITE 100
FRANKFORT, KENTUCKY 40601-5405
Telephone: 502/573-0365
Fax: 502/573-1057**

AGREEMENT WITH THE UNIVERSITY OF KENTUCKY

This Agreement (the "Agreement") is made by and between the University of Kentucky (the "University") and the Department of Housing, Buildings and Construction ("DHBC").

WHEREAS, KRS Chapter 198B authorizes the creation of a uniform state building code within the boundaries of the Commonwealth of Kentucky;

WHEREAS, KRS Chapter 198B.030(4) provides that DHBC may enter into contracts or agreements with other agencies of state government or with its subdivisions and instrumentalities in order to effect the purposes of KRS Chapter 198B;

WHEREAS, The University desires to undertake plan review responsibility and inspection responsibility upon the approval of the Commissioner of DHBC;

WHEREAS, the University is equipped to and finds it more economical and efficient to utilize local officials and employees on staff to provide for the necessary inspections and plan review of certain buildings; and

WHEREAS, both DHBC and the University believe that it is in the best interest of the Commonwealth to enter into an agreement authorizing the University to act as DHBC's representative in the enforcement of the Kentucky Building Code for certain buildings;

NOW, THEREFORE, in consideration of the premises and mutual covenants contained herein, the parties agree as follows:

1. DHBC grants inspection and plan review responsibilities under the Kentucky Building Code to the University, and the University agrees to faithfully enforce the requirements of the Kentucky Building Code and the National Electric Code as set forth in this Agreement.

2. The University shall assume primary plan review, inspection and enforcement responsibility under the 2007 Kentucky Building Code, the 2006 International Building Code, the 2007 Kentucky Residential Code, and the 2006 International Residential Code, and other applicable law for Capital Construction Projects, which do not exceed an alteration or construction cost of \$1,000,000 (projects must be as a whole and cannot be broken down into multiple phases), within the boundaries of the campus as follows:

- A. Residential occupancies;
- B. Storage, factory, industrial, miscellaneous and utility occupancies;
- C. Assembly, business and mercantile occupancies;
- D. All educational facilities except day care centers or other educational Facilities required to be licensed by the state; and
- E. Hospital/medical center projects on a case-by-case basis when in accordance with the attached "Construction Plan Review Approval Policy".

3. The University shall employ a Level III Certified Plans and Specifications Inspector who shall be responsible for the examination and approval of plans and

specifications and for making the inspections at appropriate critical stages of construction necessary to determine compliance for all buildings of the use and size as specifically listed herein above.

4. All plumbing systems shall be inspected by the Department of Housing, Buildings and Construction, Division of Plumbing, and all electrical systems shall be inspected by a duly certified electrical inspector.

5. DHBC shall retain plan review, inspection and enforcement responsibility under the Kentucky Building Code for all Capital Construction Projects (with the exceptions listed in paragraph 2) as well as other building construction and alterations at the University as follows:

- A. Institutional buildings;
- B. Facilities required to be licensed by the Cabinet for Health and Family Services;
- C. High hazard occupancies; and
- D. Industrialized building systems.

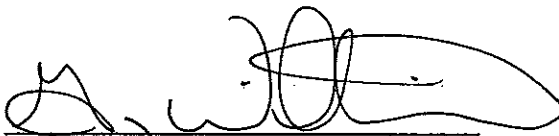
6. It is further understood and agreed that continuation of this increased responsibility by the University is contingent upon continued supervision of the Building Code Program by a Certified Plans and Specification Inspector (Level III) approved, in writing, by DHBC. Field inspectors shall be enrolled and actively pursuing Level II Certification. All inspectors shall maintain their certification in good standing. The University shall advise the DHBC of any changes to the program or inspectors employed.

7. DHBC shall provide continuing education seminars for all local building officials and enforcement staff of the University and shall assist on a consulting basis by providing interpretation service, enforcement assistance service and administrative review service.

8. This agreement shall run for a term of one (1) year; however, it may be canceled upon thirty (30) days written notice by either party. It shall automatically renew annually unless written notice of cancellation is given thirty (30) days prior to the termination date. This agreement shall be reviewed annually.

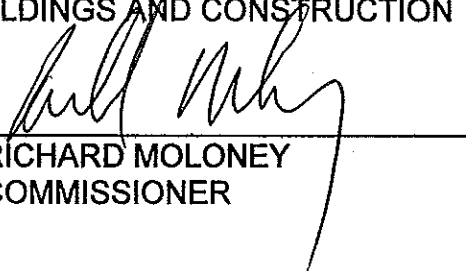
ENTERED this 17 day of October, 2008.

UNIVERSITY OF KENTUCKY

BY: 


GREG WILLIAMSON
FIRE MARSHAL

DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION

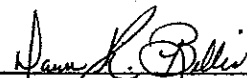
BY: 

RICHARD MOLONEY
COMMISSIONER

HAVE SEEN AND APPROVED:



BARBARA JONES
GENERAL COUNSEL
UNIVERSITY OF KENTUCKY

 16 October 2008

DAWN BELLIS
GENERAL COUNSEL
DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION



ROBERT D. VANCE, SECRETARY
PUBLIC PROTECTION CABINET

POLICY FOR CONSTRUCTION PLAN REVIEW/APPROVAL

I. BACKGROUND

The Kentucky Department of Housing, Buildings, and Construction (DHBC), which has review and inspection authority for compliance with the Kentucky Building Code (KBC), has granted the University of Kentucky (UK) plan review and inspection authority for construction and renovation projects in certain UK facilities. DHBC will have jurisdiction for all capital construction projects involving more than \$1,000,000 and all Hospital (Building Classification 1-2) projects. UK will have jurisdiction for all other projects. DHBC may delegate selected Hospital (1-2) projects to UK. Refer to section IV for buildings designated as a Hospital (1-2) occupancy classification.

II. POLICY

It is the intent of UK to fully comply with the KBC in all of its construction and renovation projects. For projects delegated to UK, the University Fire Marshal's office will be responsible for enforcing the KBC and will utilize a process similar to DHBC's for conducting reviews; approvals; inspections; and for issuing Certificates of Occupancy.

III. CAPITAL CONSTRUCTION PROJECTS

- A. All capital construction projects shall be subject to the plan review and inspection jurisdiction of DHBC. Capital projects are projects exceeding \$1,000,000.00 in construction costs.
- B. Copies of capital project plans shall also be submitted for review by the University Fire Marshal's office for implementation of UK guidelines. The project consultants shall provide written response to all review comments. In addition, copies of all correspondence to and from DHBC shall be provided to the University Fire Marshal's office.

IV . HOSPITAL CONSTRUCTION PROJECTS

- A. All Hospital renovations, alterations or modernization projects designed and constructed by UK personnel or their consultants/contractors, except projects involving ordinary repairs and maintenance, shall be subject to plan review/approval by DHBC.
- B. On a case-by-case basis, DHBC may agree to transfer a project to the jurisdiction of the University Fire Marshal's office. For each funded project, the Director of Medical Center/Hospital Physical Plant shall submit a brief description of the project to DHBC by email with a project number; a summary of the work to be done; and the financial scope of the project. DHBC will review the information and advise, via email, the Director of Hospital/Medical Center Physical Plant and

the University Fire Marshal's office with the decision regarding plan review/ approval authority. The following University buildings have been designated as 1-2 occupancies:

- a. Building # 0093-Roach Building, 2nd and 3rd floors: (Markey Cancer Center)
 - b. Building # 0293-Hospital: includes the Critical Care Addition and Children's Hospital
 - c. Building # 0294---Gill Heart Building
 - d. Building # 0304--- Whitney Hendrickson Cancer Facility, 2nd floor, (Markey Cancer Center)
 - e. Building # 8683---Good Samaritan Hospital
- C. When DHBC retains jurisdiction, the Director of Medical Center/Hospital Physical Plant shall submit plans to DHBC for plan review/approval. A copy of the plans shall also be submitted to the University Fire Marshal's office for implementation of UK guidelines. The project manager shall provide written responses for all review comments. In addition, copies of all correspondence to and from DHBC shall be provided to the University Fire Marshal's office.
- D. For projects that DHBC delegates to the University Fire Marshal's office, Section V of this policy shall apply.
- E. Ordinary repairs and maintenance shall not include:
- cutting away of any wall or partition,
 - removal or cutting of any structural beam or bearing support,
 - removal or change of any required means of egress, or
 - re-arrangements of parts of a structure affecting the exit requirements.

V. OTHER UNIVERSITY PROJECTS

- A. For all renovations, alterations or modernization projects designed and constructed by UK personnel or their contractors, except projects involving ordinary repairs and maintenance (see Section IV-E), the project manager shall submit the drawings and specifications of the projects to the University Fire Marshal's office for review and approval. This includes work conducted by Lexington Campus PPD, Medical Center/Hospital PPD, Auxillary Services, College of Agriculture, Athletics, Medical Center Facilities Planning, etc.
- B. DHBC must be informed via email of all new renovation and construction projects and, on a case-by-case basis, may preempt the UK review of any project. Should DHBC preempt the UK review process, the University Fire Marshal's office will forward the drawings/specifications to DHBC and will advise the unit involved. All DHBC preemptions shall be in writing.
- C. For projects retained by UK, the University Fire Marshal's office shall review the plans/specifications submitted and then issue a Plans Review Approval Status report (see Attachment #1) which will either approve the submittal or identify

deficiencies. Any deficiency noted shall be corrected prior to construction being started.

- D. Any changes to the approved submittal shall be re-submitted to the University Fire Marshal's office for written approval prior to incorporating into the construction.
- E. Professional stamps shall be provided with the plan submittal in accordance with KRS Chapter 323.
- F. The University Fire Marshal's office shall conduct at least one (1) rough-in inspection during the course of the project. Additional inspections may be necessary. It shall be the responsibility of the project manager to notify the University Fire Marshal's office for a rough-in inspection.
- G. The project manager may request additional inspections by the University Fire Marshal's office at any time during the construction.
- H. Prior to occupying the affected area, the project manager shall request and obtain a final acceptance inspection by the University Fire Marshal's office.
 - 1. All deficiencies noted during inspections will be given to the project manager in writing and must be corrected. Once these items are corrected, a follow-up inspection must be made by the University Fire Marshal's office.
- J. A Certificate of Occupancy (see Attachment #2a) shall be issued to the project manager when:
 - plans have been submitted and approved,
 - required inspections have been made,
 - applicable certificates have been provided to the University Fire Marshal's office, and
 - a final acceptance inspection has been made by the University Fire Marshal's office.
- K. Upon request, a Temporary Certificate of Occupancy (see Attachment #2b) may be issued before completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely without endangering life or public welfare and:
 - applicable certificates are provided to the University Fire Marshal's office,
 - all exits are clear and operable, and
 - all life safety features are in place and operable.
- L. A Temporary Certificate of Occupancy permit shall be valid for 30 days. After 30 days, the area must be vacated immediately unless a Certificate of Occupancy is issued. Failure to vacate will result in a notice of Illegally Occupied Area being sent to the Chancellor, or appropriate unit head, and the Vice President for Fiscal Affairs.
- M. Certification/confirmation of acceptance tests, where/when applicable, shall be provided to the University Fire Marshal's office for the following systems or utilities

prior to the issuance of a Certificate of Occupancy:

- fire alarm certificate,
 - sprinkler certificate,
 - electrical inspection certificate,
 - plumbing inspection certificate, and
 - others certificates, as applicable.
- N. If the construction area is occupied or re-occupied prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy, a notice of Illegally Occupied Area stating the deficiencies shall be sent to the Chancellor, or appropriate unit head, and the Vice President for Fiscal Affairs for further action. (see Attachment #4)
- O. Any decision of the University Fire Marshal's office involving the KBC may be appealed to DHBC. All appeals regarding code compliance issues shall be in writing. One copy must be submitted to the University Fire Marshal's office and one copy to the Commissioner of the Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, KY 40601. Appeals shall follow the procedures outlined in the KBC, Section 118.

VI. UNAUTHORIZED WORK

Upon notice that the work on any building or structure is being conducted contrary to the provisions of the KBC or in an unsafe and dangerous manner, a Stop Work order shall be issued. The Stop Work order shall be posted at the site and shall state the conditions under which work will be permitted to resume. Copies will be sent to the Chancellor, or approved unit head, and the Vice President for Fiscal Affairs.

VII. VIOLATIONS OF PLAN REVIEW/ APPROVAL PROCEDURES

The University Fire Marshal's office will refer any department and/or person continuing to violate the established plan review/approval policy to the Chancellor, or appropriate unit head, and Vice President for Fiscal Affairs. All referrals will be in writing stating the justification for such referral.

Rev. 09/03/08